

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

REJECTION OF CLAIMS 19 AND 21 35 U.S.C. §102(b)

Claims 19 and 21 are rejected under 35 U.S.C. §102(b) as allegedly being allegedly anticipated by U.S. Patent No. 3,788,327 to Donowitz. However, Donowitz fails to teach or suggest every element of claims 1 and 21. For example, Donowitz fails to teach or suggest a flexible fluid transfer tube having a distal end on an inner surface of a cornea and a proximal end on an outer surface of the cornea wherein said distal end and proximal end both have an enlarged diameter relative to a diameter of a central section of said shunt. In Donowitz, the distal end of the device does not have an enlarged diameter relative to a diameter of a central section of said shunt.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims 19 and 21.

REJECTION OF CLAIM 20 UNDER 35 U.S.C. §103

Claim 20 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Donowitz in view of U.S. Patent No. 5,743,868 to Brown. As discussed above, independent claim 19 recites features that are not taught or suggested by Donowitz. Brown fails to provide the missing teachings. Claim 20 is patentable based on its dependency on claim 19 as well as on its own merit.

CONCLUSION

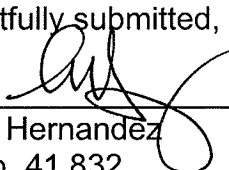
It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Applicant requests a three-month extension of time to reply to the office action. Authorization for a credit card payment of the filing fee of \$960 is submitted herewith. No additional fees are believed to be due, however, the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311.

Respectfully submitted,

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